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US Army Corps of Engineers®

PUBLIC NOTICE

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200300734-TCD
Comment Period: May 28 through June 27, 2003
Project Manager: Terry Dean (858) 674-5386 terrence.dean@usace.army.mil

Applicant
Mike Wells, Tijuana River Reserve Manager
California State Parks Department
301 Caspian Way
Imperial Beach, California 91932
(619)575-3615

Contact
Chris Nordby, Principal Biologist
Tierra Environmental Services
9903 Businesspark Avenue, Suite E
San Diego, California 92131
(858) 578-9064

Location

Border Field State Park, Goat Canyon Creek approximately 2000 ft. north of the U.S./Mexico border, City of San Diego, San Diego County, California
(at: lat:32-32-26.0160 lon:117-6-21.9960)

Activity

Project Description: To construct and implement the Goat Canyon Enhancement Project, consisting of an in-canyon diversion structure that will transition to a set of flow-through sedimentation basins located in series adjacent to the creek. Maintenance staging areas, access roads, a visual screening berm, improvements to the Border Field State Park entrance road, (Monument Road), and habitat enhancements are included in the project. The diversion structure will consist of a constructed berm situated perpendicular to the existing channel flow, and a trapezoidal transition channel designed to divert larger flows to the sediment basins downstream. Steel posts at the downstream end of this transition channel will function to trap large debris. A low-flow outlet structure will convey a portion of the channel discharge to the existing downstream channel in order to sustain wetland vegetation associated with the Creek. The graded area for the diversion structure will encompass 1.5 acres. The limits of grading will include the floor of the basin as well as the berm. Angular rock and concrete will be used to construct the berm and transition channel to facilitate stability during large storm events. An emergency overflow weir will also be included in the diversion berm to convey the 100-year discharge and sediment into the main channel if necessary. Angular riprap will be used to reinforce this

structure. The sediment basins will be located parallel to and east of the existing Goat Canyon Creek channel on an elevated terrace above the historic flood plain. Sediment and flows will enter the basins through a riprap-lined trapezoidal channel transition structure connected to the in-canyon diversion structure. Each basin will be constructed of excavated material, and will have 2:1 horizontal to vertical exterior slopes. The upstream basin depth is estimated at 15 feet with a 0.8% basin slope and one foot of freeboard. The interior slopes will be constructed with 2:1 horizontal to vertical slopes in the upper reaches and 5:1 slopes in the lower reaches. The downstream basin will have an estimated depth of 14 feet with a 0.8% basin slope and one foot of freeboard. The interior side slopes of this basin will be constructed with 10:1 horizontal to vertical slopes. The two basins will be separated by an intermediate berm with a weir to convey the 100-year flows and sediment. The weir will serve to reduce flow velocity and facilitate sediment removal between the first and second basins. An outlet weir at the downstream end of the second basin will provide a similar sediment removal function. The slopes of both weirs will be protected by angular riprap. Concrete paving on the tops of both weirs will provide additional stability. One staging and loading area will be located adjacent to the in-stream sediment basin, and will be sized to provide adequate room for materials loading and processing. Basin side slopes will also allow truck access to basin bottoms for sediment collection. Throughout the project area, access routes will be constructed to enable removal of sediment from each basin. Site access will be limited to one site entry and exit location off Monument Road in order to reduce conflicts between trucks, tourist traffic, and the U.S. Border Patrol. A visual screening berm will be constructed adjacent to Monument Road to screen the in-line sediment basin and the staging/loading area from traffic on the road. The maximum estimated height for the berm is 20 feet. Monument Road will be elevated apporximately 4 feet to approximately 14 feet above mean sea level, from the entry to Border Field State Park to just south of hte current kiosk location. The road, as improved, will consist of two 12- foot vehicular traffic lanes with a 2-foot shoulder on each side of the road and a paved 8-foot-wide multi-purpose trail on its north side. From a position immediately south of the current state park entrance kiosk to Monument Mesa, the road will be re-surfaced but not widened. Habitat enhancement is planned in the flood plain of the creek in the downstream area of the project. All proposed work is in the vicinity of Goat Canyon Creek, on the south side of Monument Road, in Border Field State Park, San Diego, San Diego County, California.
For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District

Regulatory Branch - San Diego Field Office
ATTN: CESPL-CO--200300734-TCD
16885 W. Bernardo Drive, Suite 300-A
San Diego, California 92127

Alternatively, comments can be sent electronically to: terrence.dean@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A Final EIS/EIR was completed for the project on December 21, 2001. The California State Parks Department adopted the EIR pursuant to CEQA on January 14, 2002. Certification of the EIS by the NEPA lead agency, the National Oceanic and Atmospheric Administration (NOAA), is pending approval of a cultural resources treatment and recovery plan by the State Historic Preservation Office (SHPO). The COE will withhold its final EIS determination pending receipt of comments associated with this Public Notice.

Water Quality- The applicant submitted an application for water quality certification, under Section 401 of the Clean Water Act, to the California Regional Water Quality Control Board (CRWQCB) on April 14, 2003. Certification by the CRWQCB is pending.

Coastal Zone Management The California Coastal Commission (CCC) issued a Notice of Intent to Issue Coastal Development Permit (CDP) No. 6-02-055 for project activities that occur on lands subject to CCC jurisdiction. The CCC will not issue the CDP until the "prior to issuance" special conditions have been satisfied. These special conditions include protection of wetland resources during construction, development of final mitigation plans, and acquisition of all other required discretionary permits. Plans have been developed to address all special conditions and other required discretionary permits are pending.

Cultural Resources- Cultural resources investigations of the Goat Canyon Enhancement Project discovered two Late Prehistoric shell midden and occupation sites, CA-SDI-13,485 and CA-SDI-16,047 Locus B which have been determined to be significant resources and eligible for nomination to the National Register of Historic Places (NRHP). Mitigation will ensure that there will be no impacts to CA-SDI-13, 485 and that impacts to CA-SDI-16,047 Locus B, although adverse, will be minimized

by implementation of measures identified in the Treatment Plan. The Treatment Plan will be implemented in consultation with the State Office of Historic Preservation.

Endangered Species- The National Oceanographic and Atmospheric Administration (NOAA) initiated formal consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the federal endangered species act (FESA) on August 21, 2002. The USFWS issued a Biological Opinion for the project on January 16, 2003. The Biological Opinion determined that the project is not likely to jeopardize the continued existence of the least Bell's vireo, southwestern willow flycatcher and coastal California gnatcatcher that occur in the project area. The project includes development of wetland and upland habitats suitable for these species.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required The project consists of an in-canyon diversion structure that transitions to a flow-through sedimentation basin system consisting of two basins. It also includes the construction of access roads and staging areas, construction of a visual berm, improvements to Monument Road, and creation of wetland and upland habitat.

The diversion structure is intended to divert large flows and sediment from the existing channel into the sedimentation basin system as well as supply low flows of approximately 3 cfs to the existing channel. It would also serve to trap some large debris. The diversion structure would be created by constructing a berm approximately 20 feet above the flowline of the existing channel (Figure 1). The area required for the grading of the diversion structure is expected to be relatively small in comparison with the area needed for the rest of the flow-through sedimentation basin system. Approximately 0.9 acre would be cleared of vegetation and grubbed for these purposes. The limits of construction around the structure would add approximately 0.6 acre to this area for a total of 1.5 acres. Of the 1.5 acres impacted by the diversion structure, approximately 0.6 acre was determined to be ACOE jurisdictional. A total of 900 cubic yards of fill and 3,100 cubic yards of cut would be required for the diversion structure.

The flow-through sedimentation basin system would consist of two sedimentation basins in series located parallel to, and east of, the existing channel immediately downstream of the diversion structure. To construct the in-line sedimentation basins, approximately 16.22 acres would be cleared of vegetation and grubbed. The limits of construction would add approximately 2.9 acres to this area for a total of 19.12 acres. Earthwork would include 186,800 cubic yards of excavation and 43,100 cubic yards of fill using native soils for the basin embankments. Approximately 7,900 cubic yards of rock would be necessary for protection upstream and downstream of the outlet weir structures. Approximately 3.69 acres or 19% of the 19.12 acres impacted by these project components occur within areas delineated to be within ACOE jurisdiction. A total of 14,800 cubic yards of fill and 5,300 cubic yards of cut will be required for the sedimentation basin system.

One staging and loading area and truck-hauling route is included in the project design (Figure 1). Basin side slopes would also allow truck access to basin bottoms for sediment collection as well. The staging area would function as a loading area and a place where material could be sorted and processed for removal from the site. The staging area is proposed near the lowest sedimentation basin and would be sized to provide adequate room for materials loading and processing. Site preparation and grading for staging and loading areas would involve clearing and grubbing of 6.23 acres and 16,200 cubic yards of native soil fill for creation of a pad (approximately two feet of fill over the area). Of the 6.23 acres impacted by this project feature, approximately 1.06 acres were determined to be ACOE jurisdictional. A total of 7,300 cubic yards of fill would be placed in the 1.06 acre ACOE jurisdictional area.

Another feature of the project is a visual screening berm adjacent to Monument Road that would reach a maximum height of 20 feet. Site preparation and grading would involve clearing and grubbing of 2.69 acres with 79,000 cubic yards of native soil fill for creation of the berm. Of the 2.69 acres impacted by this project feature, approximately 0.45 acre was determined to be ACOE jurisdictional. A total of 10,400 cubic yards of fill would be placed in that jurisdictional area.

Under the proposed project, Monument Road would be elevated from the eastern entrance of the Park to just south of the existing park kiosk (Figure 1). In addition, a multi-purpose trail would be constructed from the eastern Park entrance to the current kiosk location. A typical cross-section would consist of an eight foot wide multi-purpose trail along the north side of the road, two 12-foot lanes and a two-foot shoulder on each side of the road. Clearing and grubbing would impact 6.75 acres, 0.5 acre of which occurs within ACOE jurisdiction areas. A total of 1,400 cubic yards of fill would be placed in jurisdictional areas.

Additional Project Information Goat Canyon and its creek are located in the far western portion of the greater Tijuana River Watershed. Ninety-one percent of this sub-watershed lies in Mexico and is highly disturbed. The watershed is characterized by steep slopes, sandy soils with cobbles, pockets of native coastal sage scrub and riparian vegetation, and a high level of human-induced disturbance that has increased during the last 10 to 15 years as land uses have changed from rural to urban. A prominent result of changes in the watershed has been a significant increase in sediment yield in response to higher volumes of runoff and an increased sediment supply throughout the watershed. This increased sediment yield has adversely affected the local habitat communities of Goat Canyon and downstream within the Tijuana River Estuary. By the mid-1980s, it was estimated that erosion and sedimentation had resulted in the loss of 30 acres of intertidal wetland area in the Tijuana River Estuary (PWA, 1986). Losses of this habitat appear to have escalated substantially in recent years, though a new comprehensive assessment of intertidal wetland loss has not been made. The composition and distribution of native habitat communities along the creek and on its alluvial fan have been altered, as has the morphology of the creek. Further, during storm events, sediment and debris is deposited on Monument Road, which in turn blocks public access to Border Field State Park and impedes the U.S. Border Patrol.

Recognizing the impact that sediment from Goat Canyon Creek has had on the Tijuana River Estuary, the State Coastal Conservancy (SCC) and the Southwest Wetlands Interpretive Association (SWIA) prepared the Goat Canyon Enhancement Plan, adopted by the SCC in 2002. The plan called for construction of sediment management basins in the U.S. and recommended source control actions in Mexico. Several alternatives for sediment management were evaluated as part of the EIS/EIR review subsequently undertaken for the proposed project. The alternative selected represented the least

environmentally damaging alternative. This alternative is referred to as Alternative D-1 in the project EIS/EIR and the Biological Assessment submitted as part of the Section 7 (Endangered Species Act) consultation with the U.S. Fish and Wildlife Service.

The environmental impact assessment identified project impacts on sensitive habitats, and, potentially, to sensitive species, and a mitigation plan was developed. The objective of the mitigation plan presented in the Draft EIS/EIR and the Biological Assessment prepared for the project was to: 1) create or restore areas in the vicinity of Goat Canyon to offset the loss of native habitat associated with project construction and operation; and 2) in these habitats to achieve equal or greater biological function and value to those existing areas impacted by the project. The plan, proposes to create habitat at a 5:1 ratio to off-set impacts to habitat currently occupied by the federally endangered least Bell's vireo, and a 3:1 ratio for areas potentially utilized by vireo for foraging or nesting. Potential vireo habitat includes southern willow scrub, mulefat scrub, and mulefat/elderberry scrub that was not occupied by nesting vireo but could contribute to foraging or future nesting sites, as well as disturbed variations of those habitats. The remaining project impacts will be to ruderal and disturbed areas. These areas have been determined to be upland, i.e. non-jurisdictional, habitats and have been targeted for conversion to habitats of similar value, i.e. sedimentation basins and associated structures. These mitigation ratios were determined during preliminary meetings with the U. S. Fish and Wildlife Service (USFWS), U. S. Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG), and California State Parks Department (CSP). All project features, including the mitigation program, are to be implemented by CSP.

The project also lies within the boundaries of the City of San Diego and, therefore, while not expressly subject to the City of San Diego Land Development Code (2000), mitigation for upland habitats was designed to conform with those guidelines. The Land Development Code includes the Biology Guidelines for Environmentally Sensitive Lands (ESL) regulations which define sensitive habitats as native vegetation communities, regardless of their current condition, i.e., disturbed versus relatively pristine. Given this definition, disturbed southern willow scrub and disturbed mulefat scrub must be considered to be sensitive. Mitigation for impacts to these habitats will be provided at a 5:1 or 3:1 ratio if least Bell's vireo are present, or at a 2:1 ratio if vireo are absent. The City's ESL guidelines (2000) require 2:1 mitigation for mulefat scrub and southern willow scrub. City regulations require that impacts to sensitive maritime succulent scrub will be mitigated at a 2:1 ratio (City of San Diego 2000). However, during meetings with resource agencies, mitigation for this habitat was set at 3:1.

The primary objective of this mitigation plan is to create a multi-layered willow riparian scrub habitat to offset impacts to vireo occupied habitats within the project site. The canopy will consist of a tree layer (e.g., black willow, red willow, cottonwoods), a layer of large shrubs (e.g., arroyo willow, sandbar willow), and an understory layer composed of smaller shrubs, primarily mulefat. The development of these layers is essential to provide habitat suitable for the least Bell's vireo and other animal species dependent on riparian vegetation.

In summary, impacts to undisturbed southern willow scrub and disturbed southern willow scrub will be mitigated at a 3:1 ratio. Impacts to mulefat scrub will be mitigated at a 3:1ratio if no least Bell's vireo are present and at a 5:1 ratio if least Bell's vireo are present. Disturbed mulefat scrub, mulefat/elderberry scrub, Southern mixed chaparral and maritime succulent scrub will be mitigated at 3:1 ratios. No mitigation is required for impacts to ruderal and/or disturbed areas. The mitigation for project impacts to each habitat type from the proposed project are summarized below:

Habitat Type	Southern Willow Scrub	Mulefat Scrub	Disturbed Mulefat Scrub	Mulefat Elderberry Scrub	Maritime Succulent Scrub	Southern Mixed Chaparral
LBV Occupied	0.0 acre	0.8 acre	0.0 acre	0.0 acre	0.0 acre	0.0 acre
LBV Non-occupied	0.394 acre	4.531 acre	0.252 acre	0.345 acre	0.0 acre	0.10 acre
Total Impact	0.304 acre	5.331 acre	0.252 acre	0.345	0.716 acre	0.30 acre
Mitigation Ratio	3:1	3:1 unoccupied 5:1 occupied	3:1	3:1	3:1	3:1
Mitigation Required	1.182 acres	13.593 acres for unoccupied 4.00 acres for occupied 17.593 total	0.756 acre	1.035 acres	2.148 acres	0.300 acre

The applicant proposes to exceed the mitigation requirements summarized above in order to ensure a successful mitigation program. Accordingly, mitigation for impacts to 0.394 acre of southern willow scrub will be accomplished through the creation of 2.59 acres of similar habitat rather than the required 1.182 acres; and 20.71 acres of mulefat scrub habitat will be created to compensate for the loss of 5.928 acres of mulefat scrub, disturbed mulefat scrub and mulefat/edlerberry scrub, as opposed to the 19.384 acres required.

Proposed Special Conditions

1. Riparian restoration will be conducted in conjunction with the removal of non-native plants and long-term monitoring and maintenance.

2. All habitat within a vireo nesting territory occupied in 2002, and impacted by the project will be replaced at a 5:1 ratio. All southern willow scrub, mulefat scrub, and mixed mulefat/elderberry scrub impacted by the project, (outside the boundaries of a 2002 vireo nesting territory but still could be used by vireos as foraging habitat), will be replaced at a 3:1 ratio.

3. All areas proposed as mitigation will be cleared of exotic (e.g. non-native) plant species and replaced with native species. This includes 20.71 acres of mulefat scrub habitat and 2.59 acres of southern willow scrub to be planted in ruderal areas on the Goat Canyon alluvial plain; and 2.16 acres of maritime succulent scrub and 0.3-acre of southern mixed chaparral to be planted on the proposed visual berm.

4. Grading will be conducted to remove approximately the top 3 feet of surface material from the floodplain at a 2.59-acre site to be planted with willow scrub. The purpose of this grading is to create a depression in the floodplain to capture initial surface flows released from the sedimentation basins.

5. Grading will be conducted to remove approximately 2 feet of surface material from the floodplain at a 5.8-acre site located in the southern portion of the 20.71-acre mulefat scrub restoration area. The purpose of this grading is to increase the extent of the floodplain that will be inundated by a 2-year or greater storm event.

6. An aggressive weed eradication program, using a short-lived water-safe herbicide(s), will be conducted at all locations where native plant species will be planted as replacement habitat to offset permanent and temporary project impacts.

7. A temporary overhead irrigation system will be installed at all sites used for native plant replacement.

8. No grading of the sites chosen for habitat replacement or improvements to Monument Road will occur during the breeding seasons of the vireo (March 15 to September 15), gnatcatcher (February 15 to August 31), willow flycatcher (May 1 to September 15) or the Belding's Savannah Sparrow (February15 to August 15), a State listed endangered species.

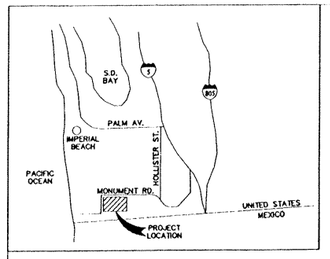
9. The diversion structure will be designed to allow flows approximately 3 cubic feet per second (cfs) in Goat Creek Canyon to flow into the historic Goat Canyon Creek that, in recent years, has flowed in the immediate floodplain area adjacent to the base of Monument Mesa.

10. A cultural resources Treatment Plan will be implemented in consultation with the SHPO to address unavoidable impacts to the Late Prehistoric shell midden and occupation site, CA-SDI-16,047 Locus B. Impacts to a second identified cultural site, CA-SDI-13,485 will be avoided by mitigation consisting of capping and preservation in place.

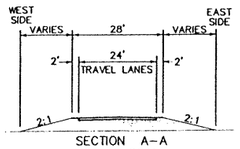
11. The permittee shall comply with all reasonable terms and conditions of the Biological Opinion issued to NOAA by the USFWS for this project on January 16, 2003. However, enforcement of Terms and Conditions of the BO shall be the responsibility of the USFWS.

12. The permittee shall comply with all terms and conditions of any Water Quality Certification issued by the California Regional Water Quality Control Board under Section 401 of the Clean Water Act for this project.

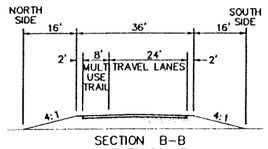
For additional information please call Mr. Terry Dean of my staff at (858) 674-5386. This public notice is issued by the Chief, Regulatory Branch.



	CUT(C.Y.)	FILL(C.Y.)	CLEAR & GRUB(AC.)
MONUMENT ROAD	—	13,300	6.75
DIVERSION STRUCTURE	10,400	1,700	1.51
UPPER SEDIMENTATION BASIN	186,800	43,100	9.13
LOWER SEDIMENTATION BASIN			9.99
MIDDLE WEIR			.5
GRADING FOR NORTHERN PORTION OF MITIGATION AREA	9,900	—	2.63
GRADING FOR SOUTHERN PORTION OF MITIGATION AREA	14,700	—	5.89
VISUAL BERM	—	79,000	2.69
STAGING/PROCESSING AREA	—	16,200	6.23
TOTAL:	221,800	153,300	45.32



SECTION A–A
NOT TO SCALE



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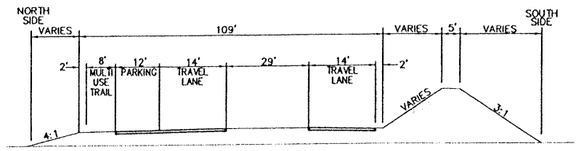

SECTION C–C
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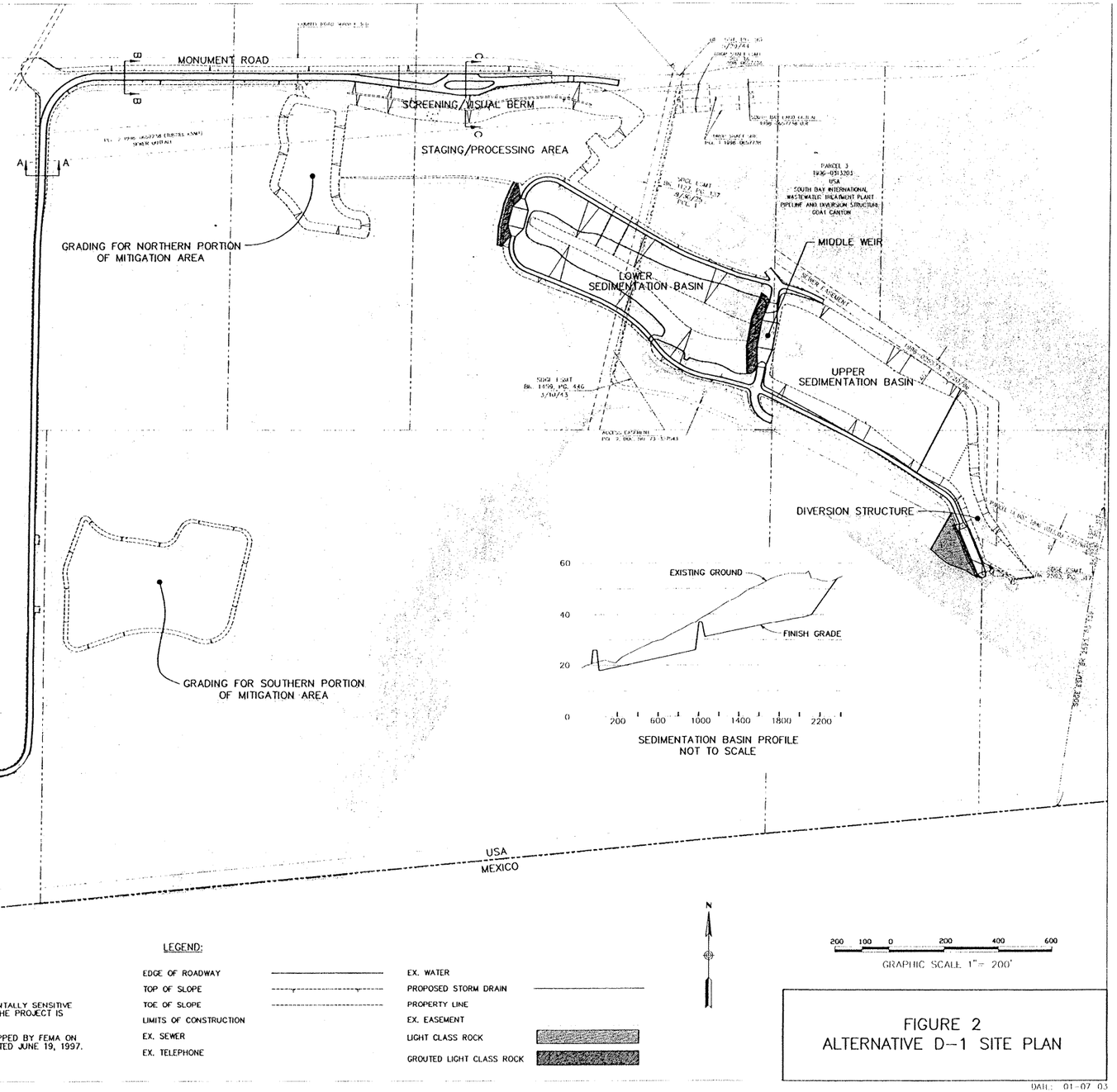

SEDIMENTATION BASIN PROFILE
NOT TO SCALE

NOTE:

ON OR ADJACENT TO THE PROJECT SITE THERE ARE ENVIRONMENTALLY SENSITIVE LANDS, STEEP HILLSIDES, BIOLOGICALLY SENSITIVE RESOURCES. THE PROJECT IS WITHIN THE LIMITS OF THE CITY OF SAN DIEGO MSCP AREA.

THE 100 YEAR FLOODPLAIN IS LOCATED WITHIN THE SITE AS MAPPED BY FEMA ON THE FIRM PANEL 2161 OF 2375, MAP NUMBER 06073C2161F, DATED JUNE 19, 1997.

LEGEND:

- EDGE OF ROADWAY
- TOP OF SLOPE
- TOE OF SLOPE
- LIMITS OF CONSTRUCTION
- EX. SEWER
- EX. TELEPHONE
- EX. WATER
- PROPOSED STORM DRAIN
- PROPERTY LINE
- EX. EASEMENT
- LIGHT CLASS ROCK
- GROUTED LIGHT CLASS ROCK

N

200 100 0 200 400 600
GRAPHIC SCALE 1"= 200'

FIGURE 2
ALTERNATIVE D–1 SITE PLAN

DATE: 01-07-03

J. 13928B
RICK ENGINEERING COMPANY
San Diego Riverside Orange Phoenix Tucson
5620 Friars Road San Diego,CA 92110-2596 · (619) 291-0707 · FAX (619) 291-4165 www.rickeng.com